

Date: December 3, 2019

CASCADE COUNTY PLANNING BOARD

ITEM: Conservation Easement – Bordsen

ACTION REQUESTED: Request for Comments from Cascade County Planning Board

PRESENTED BY: Sandor Hopkins, Interim Planning Director

Review by local planning authority:

Pursuant to 76-6-206, MCA, "...all conservation easements shall be subject to review prior to recording by the appropriate local planning authority for the county within which the land lies... The local planning authority shall have 90 days from receipt of the proposed conveyance within which to review and to comment upon the relationship of the proposed conveyance to comprehensive planning for the area. Such comments will not be binding on the proposed grantor or grantee but shall be merely advisory in nature. The proposed conveyance may be recorded after comments have been received from the local planning authority or the local planning authority has indicated in writing it will have no comments or 90 days have elapsed, whichever occurs first."

Conservation Easement Information:

Receipt: October 24, 2019

Status: Proposed with drafted deed

Grantor: Mark and Wiwiek Bordsen

Grantee: Montana Land Reliance (MLR)

Subject property information:

1. Section 09, Township 16N, Range 7E, S ½ NE ¼, NW ¼ SE ¼, Less 6.99 acres
 - Geocode: 02-2563-09-1-03-01-0000
 - Parcel No.: 0005149800
 - Zoning: Agricultural
 - Land use: Grazing, Wild Hay, Forest
 - Area: 113.01 acres
2. Section 10, Township 16N, Range 7E, S ½ NW ¼, N ½ SW ¼, NW ¼ SE ¼ Less .845 acres, Mk 7
 - Geocode: 02-2563-10-1-01-05-0000

- Parcel No.: 0005151700
- Zoning: Agricultural
- Land use: Grazing, Wild Hay, Forest
- Area: 181.295 acres

Total area: 294.305 acres

Term of easement: Perpetual

Proximity to other conservation easements or other protected lands:

Nearby Montana Land Reliance Conservation Easement, State Trust land, Bureau of Land Management, and Lewis and Clark National Forest

Area wildlife: Mule deer, pronghorn antelope, numerous bird species.

Area topography: Nasen Coulee, Monarch Canyon and Little Belt Mountains (south), Sluice Boxes State Monument (west), Limestone Butte and Kibbey Canyon (east), Rattlesnake Butte and Brigman Coulee (north).

Existing Development:

- US Highway 89.
- 2-acre Launch Facility parcel owned by Department of Defense.
- Brigman Coulee Road.
- Structural remains of old homestead.
- Agricultural infrastructure (stock tanks).

Allowed future development and uses on the property:

- Two new residential dwelling units and associated outbuildings, each within 2.5 acre building envelope.
- Roads to access new residential dwelling units.
- Standard timber, minerals, utilities, etc. Small solar installation for stock tanks (not visible from highway).
- Property would transfer in two (2) parcels.

Stated conservation contributions of the easement:

1. *“The Property consists of significant open-space land, as defined in the Montana Open Space Land and Voluntary Conservation Easement Act, Montana Code Annotated (MCA) Section 76-6-101, et seq.; and”*
2. *“Preservation of the Protected Property by this Easement will yield significant public benefits to the people of the State of Montana, Cascade County, and the United States by protecting, preserving, and providing the*

following significant resources, in perpetuity, in compliance with Section 170(h)(4)(A) of the Internal Revenue Code and Sections 76-6-101, et seq., MCA.”

- a. *“Open-space lands which maintain the rural, agricultural, and natural scenic qualities of the area as encouraged and supported by clearly delineated federal, state, and local governmental conservation policies...”*
 - b. *“Open-space lands which preserve scenic views of historic Montana landscapes and working agricultural lands for the scenic enjoyment of general public traveling on U.S. Highway 89 and Brigman Coulee Road, public roadways that traverse the Property; and”*
 - c. *“Retention of significant open-space lands for a variety of other purposes, including for the benefit of plants, biotic communities, fish and wildlife, including, but not limited to, mule deer, pronghorn, and numerous bird species, all of which use the Property.”*
3. *“Preservation of the Property by this Easement furthers, supports, and is pursuant to the following clearly delineated governmental conservation policies:”*
 - a. *“The Cascade County, Montana, Commissioners have expressly recognized in the Cascade County Growth Policy Update, adopted in May, 2014, the importance of preserving open space and agricultural lands in Cascade County, Montana, as a result of rapid urban and suburban development of formerly rural lands; and,”*
 - b. *“The Cascade County Growth Policy specifically encourages use of conservation easements to preserve open space and agricultural lands in the county; and,”*
 - c. *“The State of Montana has recognized the importance of private efforts to ward voluntary conservation of significant open-space lands in the state by the enactment of MCA Section 76-6-101, et seq., and 76-6-201, et seq.”*

Conclusion

The proposed conservation easement is in general compliance with the Cascade County Growth Policy, and will preserve agricultural lands, scenic open space and historic property. Any comments from staff and the Cascade County Planning Board will be forwarded to the Montana Land Reliance as part of the review process.

Attachments: Property Information and Maps, Cover Letter, Proposed Deed